

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-42203 of 2020.

Decided on:- December 23, 2020.

Vinay Kumar.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Pratham Sethi, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, A.A.G., Haryana.

HARI PAL VERMA, J. (Oral)

The petitioner has filed present petition under Section 439 Cr.P.C. seeking regular bail in FIR No.537 dated 03.08.2020 under Sections 381, 408 and 420 read with Section 34 IPC registered at Police Station Sadar Hisar, District Hisar.

The aforesaid FIR was registered on the allegations of misappropriation against three employees including the petitioner, who alleged to have embezzled spare parts amounting to Rs.32-33 lakh.

Learned counsel for the petitioner has argued that the petitioner is in custody since 05.10.2020. The offences in the case are triable by Magistrate. Challan in the case has been presented on 03.11.2020 and now the case is fixed for 24.12.2020 before the trial Court for framing of charge.

He has referred to the complaint dated 06.07.2020 (Annexure P-3) submitted by the petitioner before the Superintendent of Police, Hisar regarding assault and giving criminal threat by the complainant and his son. In the said complaint, the petitioner has alleged that the complainant snatched/forced to sign a cheque of Rs.11 lakh and two affidavits from the petitioner.

Learned State counsel has argued that the petitioner and other co-accused have committed a huge embezzlement. The petitioner, while working as spare parts manager was caught while committing theft in the year 2019. He was let off on seeking apology. Thereafter, he was again caught while committing theft of spare parts. Upon conducting enquiry by the owner of the agency, the petitioner had told that he in collusion with co-accused Dinesh Saini and Sandeep Ranga used to replace excess items from the job card in accidental vehicles and received less cost of spare parts from the owner of the vehicle in cash prepared without job card and used to pocketed in their own pockets.

I have heard learned counsel for the parties.

The offences in the case are triable by Magistrate. The petitioner is in custody since 05.10.2020. Challan in the case has already been presented and conclusion of trial is likely to take long time. Moreover, COVID-19 pandemic has further aggravated the pendency of trial. Therefore, this Court finds that the petitioner deserves to be admitted on bail.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

December 23, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No